

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CHARLES ELLIS, SR.,

Plaintiff,

v.

KERN COUNTY SHERIFF DEPARTMENT,  
et al.,

Defendants.

Case No. 1:22-cv-01209-SAB (PC)

ORDER STRIKING FIRST AMENDED  
COMPLAINT FOR LACK OF SIGNATURE  
AND GRANTING THIRTY DAYS TO FILE  
A NEW FIRST AMENDED COMPLAINT

(ECF No. 7)

Plaintiff Charles Ellis, Sr., is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On October 17, 2022, Plaintiff filed a first amended complaint. Both the Federal Rules of Civil Procedure and this Court's Local Rules require that all filed pleadings, motions and papers be signed by at least one attorney of record or by the party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). As Plaintiff's first amended complaint is unsigned, the Court must strike it from the record. The original complaint filed September 23, 2022, (ECF No. 1), will remain the operative complaint in this action unless or until Plaintiff files an amended complaint which includes Plaintiff's signature.

Based on the foregoing, it is HEREBY ORDERED that:

1. Plaintiff's first amended complaint filed on October 17, 2022 (ECF No. 7), is STRICKEN from the record for lack of signature;
2. The Clerk of Court shall send Plaintiff a blank amended prisoner civil rights

1 complaint form;

2 3. Within thirty days from the date of service of this order, Plaintiff may file a new  
3 first amended complaint which includes Plaintiff's signature; and

4 4. The failure to file a signed first amended complaint will result in this action  
5 proceeding on Plaintiff's original complaint filed on September 23, 2022.

6  
7 IT IS SO ORDERED.

8 Dated: October 19, 2022

  
UNITED STATES MAGISTRATE JUDGE